

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

WRIT PETITION No.24951 of 2014

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

With the consent of both Sri V.Hari Haran, learned counsel for the petitioner and Sri E.V.S.S.Acharyulu, learned counsel for respondents 1 and 2, this writ petition is being disposed of at the stage of admission.

The order under challenge in this writ petition is the order of the District Consumer Forum, Hyderabad in E.A.No.40 of 2014 in C.C.No.456 of 2012 dated 05.08.2014 directing that, if payment is not made on 18.08.2014 and the order is not complied with, Non-Bailable Warrant shall be issued.

The petitioner is a lady and the wife of the partner of M/s. Om Sai Vijetha Builders. It is her specific case that as she is a woman, she cannot be arrested in terms of Section 56 C.P.C. While Sri E.V.S.S.Acharyulu, learned counsel for respondents 1 and 2 sought to make submissions on merits, it is wholly unnecessary for us to delve on this aspect, as the applicability or otherwise of Section 56 C.P.C. has to be examined by the District Forum before any Non-Bailable Warrant can be issued for her arrest.

Instead of keeping the writ petition pending on the file of this Court, ends of justice would be met if the order under challenge is set aside and the District Forum is directed to examine the applicability or otherwise of Section 56 C.P.C. and thereafter take action in accordance with law.

The writ petition is allowed. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

11th March 2015.
JSU

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Date: 11.03.2015

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